

## A Day in the Life: Hon. Bill Carter U.S. Magistrate Judge, Eastern District of Tennessee

**B**ill Carter was appointed as a U.S. Magistrate Judge in the Chattanooga Division of the Eastern District of Tennessee on July 30, 1999. Since that time, as Judge Carter reports, "There's never been a dull moment. If I don't like what I'm doing, I can just move on to the next thing." Listening to Judge Carter describe his job, it is clear he is a jack-of-all-trades, handling a large variety of civil and criminal matters that come to him at an unrelenting pace. "You never know what will come in on any given day."

A Magistrate Judge's primary role is to provide support to the District Judges by handling preliminary matters as criminal and civil cases move through litigation toward an eventual resolution. While some of a Magistrate Judge's duties are determined by statute, 28 U.S.C. § 636, many other duties are assigned by the District Judges, depending on their need for assistance.

On the criminal side of the docket, a Magistrate Judge is the first judicial officer a defendant will see following arrest for a federal crime. Aware that the defendant is usually afraid and confused, Judge Carter believes it is important to treat every defendant with respect and basic human dignity. Within 48 hours of arrest, defendants are entitled to a hearing in which Judge Carter explains the charges against them, the procedures they face in the future, and the range of punishment if convicted. He appoints the defendants an attorney if they cannot afford one and holds a detention hearing to determine if they can be released from jail pending trial. When the mental competency of a defendant is in question, Judge Carter conducts an evidentiary hearing coordinating information from psychiatrists and psychologists who have examined the defendant at one of several federal facilities equipped to do so. He then prepares a report and recommendation for the District Judge opining whether the defendant is able to understand the charges against him and participate meaningfully in his defense.

Often, Judge Carter finds himself in the position of a mediator between a criminal defendant and his lawyer. Defendants frequently become frustrated at the progress of their cases, and their lawyers bear the brunt of this frustration. When a defendant writes Judge Carter from the county jail asking for a new lawyer because he has lost faith in his current one, Judge Carter brings the defendant to court, listens to his concerns, and, more often than not, bridges the gap in communication between client and lawyer, thereby preserving

that important relationship. If he cannot, he appoints new counsel.

In an effort to preserve their valuable court time, the District Judges also refer to the Magistrate Judges in Chattanooga for a report and recommendation on all motions to suppress evidence. Depending on the issues raised, these motions may require evidentiary hearings, i.e., mini-bench trials, in which the search for truth can be elusive. In one memorable hearing, the defendant, a very convincing young man, testified police came to his back door, knocked, and asked for his car keys because they had a warrant to search his car. He stated that he reached for the car keys hanging on

a rack next to the door when the police busted in, proceeded to the living room, and found a one-pot methamphetamine lab laid out on his coffee table. The defendant came to the suppression hearing prepared with a picture of the keys hanging on the key rack next to his door. It appeared the evidence would be suppressed until the assistant U.S. attorney played a digital recording of the same defendant telling his girlfriend on the phone from the county jail that he was very stupid to have invited the officers into his house.

A Magistrate Judge handles many preliminary civil matters as well. There are the usual motions related to discovery issues and motions to amend the pleadings. In a practice largely unique to the federal court in Chattanooga, Judge Carter sets oral argument on most civil, nondispositive, pretrial motions. The hearings are informal and held back to back on Friday mornings at 9 a.m. in chambers. Often, this prompts attorneys to resolve their disputes on their own. If not, Judge Carter is glad to meet with them face to face, negotiate compromise when appropriate, gauge the tenor of the lawyers' cooperation with each other, and affect a little attitude adjustment when necessary; usually through humor, an abundance of goodwill, and a genuine interest in each lawyer as a person. He is quick to convey to lawyers his understanding of the pressures and difficulties of a law practice by, for example, relating to them with his typically self-effacing humor that, as a criminal defense attorney, he has lost cases in every level of federal court: trial, appellate, and the U.S. Supreme Court.

Judge Carter handles many other civil nondispositive matters such as *in forma pauperis* applications, motions to be admitted *pro hac vice*, and motions to file documents under seal. He takes the occasional phone calls from sparring lawyers at depositions, all handled with the usual humor and grace to reach a resolution.



Occasionally, Judge Carter is called upon to investigate allegations of sanctionable conduct such as spoliation of evidence. Fortunately, such issues arise infrequently.

Some civil matters handled by the Magistrate Judge require significant judicial resources. Currently, Judge Carter is assigned to a large multidistrict litigation (MDL) matter involving antitrust claims against several pharmaceutical companies. The number of motions and the complexity of some of the discovery issues means a disproportionate amount of time must be poured into the case. It is not unusual that a small percentage of cases will consume the largest percentage of judicial resources.

Given their heavy criminal and civil dockets, the District Judges also refer certain civil dispositive matters to the Magistrate Judges in Chattanooga for a report and recommendation. These matters include Social Security disability appeals, ERISA disability appeals, and motions for default judgment.

Judge Carter also has his own docket of consent cases, cases

over which he presides to entry of judgment with consent of all the parties. Consent cases cover the full spectrum from simple personal injury cases to more complicated actions brought under federal statutes.

As you can see, Judge Carter performs many varied tasks. His duties are largely determined by the needs of the District Judges. Working as a team, the District Judges and Magistrate Judges timely and efficiently administer justice in the Chattanooga division. ☺



*Katharine McCallie Gardner graduated summa cum laude from Indiana University School of Law at Indianapolis in 1991. She clerked for Hon. H. Ted Milburn on the Sixth Circuit for two years upon graduation and has been Judge Carter's career law clerk since his appointment to the bench in 1999. She is a past president of the Chattanooga FBA Chapter.*

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trict court, and has served as the former president of the Louisiana Center for Civic Education's board of directors. In April 2013, Judge Roby served on a panel of national leaders, including retired U.S. Supreme Court Justice Sandra Day O'Connor, on the topic of civil education. She teaches a semester-long trial advocacy skills class at Tulane University Law School.

In August 2012, as a faculty member of Lawyers/Judges Without Borders, Judge Roby traveled to Nairobi, Kenya, with a group of federal judges and attorneys to bring U.S. best practices in the areas of case management and trial procedures to Kenyan magistrates, police prosecutors, and criminal defense counsel.

### Conclusion

The work of the FMJA's Committee on Diversity provides an important means of promoting the long-term success of and confidence in the federal judiciary and, particularly, the Magistrate Judge system. The FMJA is committed to continuing to develop practical and innovative ways to promote the appointment of diverse Magistrate Judges of the highest quality and ethics and the full and equal participation of persons of diverse backgrounds in the court system as a whole. ☺



*Marian W. Payson has served as a U.S. Magistrate Judge for the Western District of New York since April 14, 2003. She co-chairs the Federal Magistrate Judges Association's Diversity Committee with Linda T. Walker, U.S. Magistrate Judge for the Northern District of Georgia. Judge Payson is active in various bar associations, having served as a past president of*

*the Greater Rochester Association for Women Attorneys and a Trustee of the Monroe County Bar Association.*

### Endnote

<sup>1</sup>The FMJA diversity committee members are: Hon. Linda T. Walker (co-chair) (N.D. Ga.); Hon. Marian W. Payson (co-chair) (W.D.N.Y.); Hon. Linda Anderson (S.D. Miss.); Hon. Sonja F. Bivins (S.D. Ala.); Hon. Leo I. Brisbois (D. Minn.); Hon. Nancy Joseph (E.D. Wis.); Hon. Michael J. Newman (S.D. Ohio); Hon. Michael J. Seng (E.D. Cal.); Hon. Craig B. Shaffer (D. Colo.); Hon. Edwin G. Torres (S.D. Fla.); and Hon. Carol Sandra Moore Wells (E.D. Pa.).

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